

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JEFFREY HIGGINS, On Behalf of His Infant	§	
Daughter and of the Class Similarly Situated	§	
And ANDROMIDA A. McCALL, On Behalf	§	
Of Her Infant Daughter and of the Class	§	Civil Action No. 5:10-cv-00990
Behalf Similarly Situated,	§	
<i>Plaintiffs</i>	§	
	§	
	§	
	§	
v.	§	
	§	
TEXAS DEPARTMENT OF STATE	§	
HEALTH SERVICES and DAVID L.	§	
LAKEY, M.D., in His Official Capacity as	§	
Commissioner of the Texas Department of	§	
State Health Services and in His Individual	§	
Capacity,	§	
<i>Defendants</i>	§	

**DEFENDANTS' MOTION TO DISMISS
EXHIBITS**

Exhibit 1	Settlement documents from <i>Andrea Beleno et al. v. Tex. Dept't of State Health Services, et al.</i> , Civil Action No. SA09CA0188, United States District Court for the Western District of Texas, San Antonio Division
	1-A Settlement Agreement and Release
	1-B Affidavit of Adolfo Valadez (4/13/2010)
	1-C Letter to Jim Harrington (1-13-2010)
Exhibit 2	Affidavit of David L. Lakey, M.D.
	2-A DSHS organizational charts (3)
Exhibit 3	Affidavit of Susan M. Tanksley, Ph.D.
Exhibit 4	Affidavit of Susan M. Tanksley, Ph.D.
Exhibit 5	Affidavit of Louis N. Finelli, D.O.

Exhibit 6 Excerpts from DSHS website

- 6.1 (<http://www.dshs.state.tx.us/lab/nbsBloodspots.shtm>)
Laboratory Services Section Use and Storage of Dried Blood Spots after
Newborn Screening (link to disclosure/destruction forms)
(last visited 2-18-2011) FN6
- 6.2 Use and Storage of Newborn Screening Blood Spot Cards (instructions to providers)
(<http://www.dshs.state.tx.us/lab/NBSdestructionDirective.pdf>)
(last visited 2-18-2011) FN7
- 6.3 <http://www.dshs.state.tx.us/lab/nbsBloodspotsHC.shtm>
(Requirements for Health Care Providers) (last visited 2-18-2011) FN8
- 6.4 <http://www.dshs.state.tx.us/lab/nbsDBSdir2010forms.pdf>
(Healthcare Provider Instructions) (last visited 2-18-2011) FN8
- 6.5 <http://www.dshs.state.tx.us/lab/nbsBloodSpotDataPolicy.pdf>
(Management of Newborn Screening Specimens and Data)
(last visited 2-18-2011) FN10
- 6.6 <http://www.dshs.state.tx.us/lab/nbsBloodspotsUse.shtm>
(List of categories of quality assurance and quality control uses)
(last visited 2-18-2011) FN12
- 6.7 <http://www.dshs.state.tx.us/irb/IrbPolicy.shtm>
(Institutional Review Board, Policy Number PA-4002, effective
September 1, 2004, updated May 24, 2009)(last visited 2-18-2011)FN26
- 6.8 <http://www.dshs.state.tx.us/irb/Default.shtm>
(DSHS IRB home page explaining IRB 1 and IRB2)
(last visited 2-18-2011)FN26
- 6.9 <http://www.dshs.state.tx.us/irb/Rights.shtm>
(Rights of Human Subject Participating in Research)
(last visited 2-18-2011) FN27
- 6.10 <http://www.dshs.state.tx.us/irb/applirb.shtm>
(Policy regarding research proposals) (last visited 2-18-11) FN 28
- 6.11 <http://www.dshs.state.tx.us/irb/ProtChlst.doc>
(DSHS Institutional Review Board #1 Protocol Checklist)
(last visited 2-18-2011) FN28